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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,940	12/03/2003	Chiyoko Matsumi	MTS-3582US	4467
52473	7590	09/29/2008		
RATNERPRESTIA P.O. BOX 980 VALLEY FORGE, PA 19482			EXAMINER SHIH, HAOSHIAN	
			ART UNIT 2173	PAPER NUMBER
			MAIL DATE 09/29/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/725,940	Applicant(s) MATSUMI ET AL.	
	Examiner HAOSHIAN SHIH	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20080807</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-18 are pending in this application and have been examined in response to application amendment filed on 01/31/2008.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-2 and 4-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Nonaka et al. (Nonaka, US 6,614,732 B2).**

4. As to **INDEPENDENT** claim 1, Nonaka discloses a recording and reproducing system comprising:

a record medium holding (1) a plurality of data files of storing predetermined data (2) a plurality of play list files of storing a play list describing reproduction order (col.9, lines 44-45; "order of reproduction") of the plurality of data files (col.9, lines 36-44; the hard disk stores and manages play lists and data files), and (3) a play list file menu file of storing ; about a hierarchical structure by which the play list files are accessible (col.3, lines 62-66; fig.11(a) and fig.11(b) indicates a structure of play lists; col.10, lines 34-40; play lists are selectable by a user);

play list file menu storing means of storing the play list file in the play list file menu file (col.3, lines 62-66; fig.11(a) and fig.11(b) indicates a structure of play lists);

play list file menu display means of displaying to the outside play list file menu information on all or a part of the stored play list file menu (fig.12, “24”; col.10, lines 48-53; a menu of play lists are displayed);

play list file selecting means of selecting a predetermined play list file according to an instruction from the outside (fig.12 “23c”; col.10, lines 35-40; a jog dial is provided for the user to select different play lists); and

data reproducing means of reproducing the predetermined data stored by the plurality of data files respectively by using the reproduction order based on the selected play list file (fig.12, “23d”; col.9, lines 43-45).

5. As to claim 2, Nonaka discloses wherein the play list file menu display means is configured to display the displays said play list file menu information in consideration of a type of said predetermined data reproducible by the data reproducing means (col.2, lines 39-42; the “identification information” provides the necessary means for the reproducing means to function properly).

6. As to claim 4, Nonaka discloses wherein the play list file menu display means displays the play list file menu information by using predetermined text data on all or a part of the play list (fig.12, “24”, col.8, lines 2-4; text information from the play list is displayed).

7. As to **INDEPENDENT** claim 5, see rationale addressed in the rejection of claim 1 above.

8. As to claim 6, Nonaka discloses the play list file menu information on all or a part of the stored play list file menu is displayed to the outside (fig.12, "24"; col.10, lines 48-53);

a predetermined play list file is selected according to an instruction from the outside (fig.12, "23c", col.10, lines 35-40), and

the predetermined data stored by the plurality of data files respectively is reproduced by using the reproduction order based on the selected play list file (fig.12, "23f", col. 10, lines 45-47).

9. As to **INDEPENDENT** claim 7, see rationale addressed in the rejection of claim 1 above.

10. As to **INDEPENDENT** claim 8, see rationale addressed in the rejection of claim 1 above.

11. As to claim 9, see rationale addressed in the rejection of claim 6 above.

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12. As to **INDEPENDENT** claim 10, see rationale addressed in the rejection of claim 1 above.

13. As to **INDEPENDENT** claim 11, see rationale addressed in the rejection of claim 1 above.

14. As to **INDEPENDENT** claim 12, see rationale addressed in the rejection of claim 1 above.

As to **INDEPENDENT** claim 13, see rationale addressed in the rejection of claim 1 above.

15. As to **INDEPENDENT** claim 14, see rationale addressed in the rejection of claim 1 above.

16. As to **INDEPENDENT** claim 15, see rationale addressed in the rejection of claim 1 above.

17. As to **INDEPENDENT** claim 16, see rationale addressed in the rejection of claim 1 above.

18. As to **INDEPENDENT** claim 17, see rationale addressed in the rejection of claim 1 above.

19. As to **INDEPENDENT** claim 18, see rationale addressed in the rejection of claim 1 above.

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nonaka in view of Proehl et al (Proehl, US 6,118,450).

22. As to claim 3, Nonaka does not disclose wherein the play list file menu display means is configured to display the play list file menu information by displaying at least one thumbnail image corresponding to at least one respective play list file, the displayed at least one thumbnail image changing according to a state in which the play list file selecting means selects the predetermined play list file.

In the same field of endeavor, Proehl discloses using thumbnail images to represent each of the play list file corresponding to at least one respective play list file, the displayed at least one thumbnail image changing according to a state in which the play list file selecting means selects the predetermined play list file (col.8, lines 17-18, lines 30-33; corresponding thumbnails of the play list files changes according to the selection of different play list files)

It would have been obvious to one of ordinary skill in the art, having the teaching of Nonaka and Proehl before him at the time the invention was made, to modify the playlist manipulation taught by Nonaka to include thumbnail images taught by Proehl with the motivation being to present an image association with a particular genre (Proehl, col.4, lines 3-5).

Response to Arguments

23. Applicant's arguments filed 07/22/2008 have been fully considered but they are not persuasive.

24. Applicant argues that Nonaka does not disclose a play list describing a reproduction order of the plurality of data files.

In response to applicant's argument, Nonaka discloses the play-list is arranges the data files / songs in the order of reproduction (col.9, lines 40-45).

25. Applicant argues that Nonaka does not disclose reproducing the predetermined data stored in the plurality of data files respectively by using the reproduction order based on the selected play list file.

In response to applicant's argument, Nonaka discloses a play list stores a list of songs in the order of reproduction, upon the selection of the play list, the data files in the play list are **visually** reproduced on a display screen in accordance with the order of reproduction (col.9, lines 40-45; col.10, lines 48-51).

26. Applicant may alleviate the current prior art rejection by specifying the meaning of the limitations "data reproduction" and "reproduction order" to indicate an audible reproduction.

Conclusion

27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAOSHIAN SHIH whose telephone number is (571)270-1257. The examiner can normally be reached on m-f 0730-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HSS

/DENNIS-DOON CHOW/

Supervisory Patent Examiner, Art Unit 2173